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May 23, 2006

BY E-MAIL

Donald J. Savery, Esq.
Bingham McCutchen LLP
150 Federal Street
Boston, MA 02110-1726

Re: In re Biopure Securities Litigation, C.A. No. 03-12628 (NG)

Dear Don:

I write again regarding the schedule for depositions regarding class certification. As is apparent from our recent correspondence, we do not agree as to where those depositions should take place. You want them all to be conducted in Boston, and we believe they should take place where the plaintiffs reside. As you know, I have previously offered the same courtesy to the individual defendants – that their depositions could be held where they live or work.

We feel strongly that this is an issue which the parties should be able to resolve among themselves, without court intervention. In order to resolve this disagreement, the plaintiff, John Esposito Jr., has agreed to come to Boston for his deposition on Wednesday, May 31. The deposition will begin at 11:00 a.m. at your offices. It will continue as long as necessary (up to the seven hours permitted by the rules) so that it will be completed that day.

Please note that we had previously suggested May 31 for the deposition of the Lead Plaintiff, Ronald Erickson. The Erickson deposition will take place on Tuesday, May 30, beginning at 1:00 p.m. at your offices in Boston. It will continue as long as necessary (up to the seven hours permitted by the rules) so that it will be completed that day.

The Plaintiff Dr. Stuart Gottlieb is a busy gastroenterologist who cannot travel to Boston for a deposition. In order to avoid burdening the court with a dispute over where Dr. Gottlieb's deposition should be held, we have decided to withdraw him as a proposed

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class representative for the Sec. 20(A) insider trading sub-class. We will shortly make a filing reflecting that decision.

As I previously advised you regarding the plaintiff, Emily Bittman, depositions of named plaintiffs, who are not proposed class representatives, go to the merits, not class certification. Accordingly, the depositions of Bittman and Gottlieb are not permitted at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward F. Haber", with a stylized, cursive script.

Edward F. Haber

EFH:arn

cc: Howard Longman, Esq.
Christopher F. Robertson, Esq.
Cathy A. Fleming, Esq.
Edward P. Leibensperger, Esq.
Jeffrey S. Huang, Esq.